

CARL L. BLUMENSTEIN (SBN 124158)
FARSCHAD FARZAN (SBN 215194)
JAMES A. NICKOVICH (SBN 244969)
NOSSAMAN LLP
50 California Street, 34th Floor
San Francisco, CA 94111
Telephone: (415) 398-3600
Facsimile: (415) 398-2438
cneudeau@nossaman.com
cblumenstein@nossaman.com
jnickovich@nossaman.com

Attorneys for Defendants
AU Optronics Corporation and
AU Optronics Corporation America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. 3:07-md-1827 SI
MDL No. 1827

This Document Relates To:

Case No. 3:11-cv-05781 SI
Case No. 3:10-cv-05625 SI
Case No. 3:11-cv-06241 SI
Case No. 3:11-cv-03342 SI
Case No. 3:11-cv-03763 SI
Case No. 3:11-cv-02495 SI
Case No. 3:11-cv-00829 SI
Case No. 3:12-cv-01426 SI
Case No. 3:11-cv-02225 SI
Case No. 3:11-cv-04119 SI
Case No. 3:10-cv-05458 SI
Case No. 3:12-cv-02495-SI
Case No. 3:10-cv-05616 SI
Case No. 3:12-cv-01599 SI
Case No. 3:12-cv-02214 SI
Case No. 3:10-cv-4346-SI
Case No. 3:11-cv-05765 SI
Case No. 3:11-cv-02591 SI
Case No. 3:10-cv-03205 SI
Case No. 3:11-cv-03856 SI
Case No. 3:12-cv-00335 SI

**STIPULATION AND [REDACTED]
ORDER SETTING REVIEW
TRACK 2 DEADLINES**

*AASI Creditor Liquidating Trust, by and
through Kenneth A. Welt, Liquidating Trustee v.
AU Optronics Corporation, et al.,
Case No. 3:11-cv-05781 SI*

Siegel v. AU Optronics Corporation, et al., Case No. 3:10-cv-05625 SJ

CompuCom Systems, Inc. v. AU Optronics Corporation, et al., Case No. 3:11-cv-06241 SU

Electrograph Systems, Inc., et al. v. NEC Corporation, et al. Case No. 3:11-cv-03342 SU

Interbond Corporation of America v. AU Optronics Corporation, et al. Case No. 3:11-cv-03763-SI

JACO Electronics, Inc. v. AU Optronics Corporation, et al. Case No. 3:11-cv-02495-SI

(caption continues on next page)

**STIPULATION AND [PROPOSED]
ORDER SETTING REVISED
TRACK 2 DEADLINES**

1 *MetroPCS Wireless, Inc. v. AU Optronics*
 2 *Corporation, et al., Case No. 3:11-cv-00829 SI*

3 *NECO Alliance, LLC v. AU Optronics Corporation,*
 4 *et al., Case No. 3:12-cv-01426 SI*

5 *Office Depot, Inc. v. AU Optronics Corporation,*
 6 *et al., Case No. 3:11-cv-02225 SI*

7 *P.C. Richard & Son Long Island Corporation,*
 8 *et al., v. AU Optronics Corporation, et al.,*
 9 *Case No. 3:11-cv-04119 SI*

10 *SB Liquidation Trust v. AU Optronics*
 11 *Corporation, et al., Case No. 3:10-cv-05458 SI*

12 *Rockwell Automation, Inc. v. AU Optronics*
 13 *Corporation, et al., Case No. 3:12-cv-2495-SI*

14 *Sony Electronics, Inc. v. LG Display Co., Ltd.,*
 15 *Case No. 3:10-cv-05616 SI*

16 *Sony Electronics, Inc. v. AU Optronics Corporation,*
 17 *et al., Case No. 3:12-cv-01599 SI*

18 *Sony Electronics, Inc. v. HannStarDisplay Corp.,*
 19 *Case No. 3:12-cv-02214 SI*

20 *State of Oregon v. AU Optronics Corp., et al.,*
 21 *Case No. 3:10-cv-4346-SI*

22 *Tech Data Corporation and Tech Data Product*
 23 *Management, Inc. v. AU Optronics Corporation, et*
 24 *al., Case No. 3:11-cv-05765 SI*

25 *T-Mobile U.S.A., Inc., v. AU Optronics Corp., et al.,*
 26 *Case No. C 3:11-02591 SI*

27 *Tracfone Wireless, Inc. v. AU Optronics*
 28 *Corporation, et al., Case No. 3:10-cv-03205 SI*

29 *Schultze Agency Services, LLC on behalf of Tweeter*
 30 *OPCO, LLC and Tweeter Newco, LLC v. AU*
 31 *Optronics Corporation, et al.,*
 32 *Case No. 3:11-cv-03856 SI*

33 *Viewsonic Corporation v. AU Optronics*
 34 *Corporation, et al., Case No. 3:12-cv-00335 SI*

1 WHEREAS the above-captioned cases ("Track 2" cases) have been proceeding with
2 pretrial preparation in accordance with the Court's Orders dated November 13 and 21, 2012 (Dkt.
3 Nos. 7139 and 7230) and the deadline for close of limited fact discovery unique to Track 2 cases is
4 presently April 2, 2013;

5 WHEREAS counsel for plaintiffs and counsel for defendants in the Track 2 cases believe
6 additional time is needed to complete fact discovery unique to the Track 2 cases;

7 WHEREAS counsel for plaintiffs and counsel for defendants in the Track 2 cases have met
8 and conferred and determined that an approximate 45-day extension for all current deadlines,
9 except as described below, would be appropriate, though defendants caution that the 45-day
10 extension may not be sufficient if the parties cannot complete discovery in that time period;

11 WHEREAS counsel for plaintiffs and counsel for defendants in the Track 2 cases have met
12 and conferred and determined that the schedule should include a deadline by which defendants may
13 submit sur-rebuttal expert reports on the subject of downstream pass-on;

14 WHEREAS a 45 day extension for deadlines in the Track 2 cases and providing a period in
15 which defendants may submit sur-rebuttal expert reports on the subject of downstream pass-on will
16 not prejudice any of the parties or the Court because trial dates have not been scheduled for any of
17 these cases;

18 WHEREAS counsel for the State of Oregon and T-Mobile and counsel for defendants agree
19 that both the State of Oregon and T-Mobile actions should not proceed according to the current
20 Track 2 schedule, but that the additional 45 days contemplated for the other Track 2 cases is not
21 sufficient for the State of Oregon and T-Mobile matters;

22 WHEREAS, counsel for the State of Oregon and defendants have met and conferred and
23 determined that an approximate 180 day extension of all current deadlines would be appropriate;

24 WHEREAS counsel for T-Mobile and counsel for defendants set forth their views with
25 respect to the deadlines in the T-Mobile action in the Case Management Conference statement
26 submitted to the Court on March 8 (*See e.g.* Dkt. No. 403).

27

28

1 THEREFORE, IT IS HEREBY STIPULATED between liaison counsel for the above-
 2 captioned plaintiffs and defendants' liaison counsel, and subject to the concurrence of the Court,
 3 that the Track 2 cases, other than the T-Mobile and State of Oregon cases, will adopt the following
 4 Track 2 cases schedule:

5	Event	6 Current Date (pursuant 7 to 11/13/12 and 11/21/12 8 Orders)	9 Revised Date
10	Close of limited fact discovery unique to DAP and State AG cases	April 2, 2013	May 17, 2013
11	Service of opening expert reports for plaintiffs	April 22, 2013	June 6, 2013
12	Service of underlying data and Code	April 26, 2013	June 12, 2013
13	Service of opposition expert Reports	July 23, 2013	September 10, 2013
14	Service of underlying data and Code	July 30, 2013	September 16, 2013
15	Plaintiffs and Defendants to Serve Proposed List of Summary Judgment Motions (Copies to be Provided to the Court)	August 20, 2013	October 8, 2013
16	Plaintiffs and Defendants to Meet and Confer Over Proposed List of Summary Judgment Motions and Schedule for Same	August 21 - September 9, 2013	October 11 – 28, 2013
17	Plaintiffs and Defendants to File with the Court Joint List of Proposed Summary Judgment Motions and Proposed Schedule for Summary Judgment Filings	September 10, 2013	October 29, 2013
18	Service of reply expert reports	September 24, 2013	November 12, 2013
19	Service of underlying data and Code	September 30, 2013	November 18, 2013
20	Service of sur-rebuttal expert Reports on downstream pass-on		January 17, 2014
21	Service of underlying data and Code		January 23, 2014
22	Close of expert discovery	October 30, 2013	February 20, 2014

1	Event	Current Date (pursuant to 11/13/12 and 11/21/12 Orders)	Revised Date
3	Last Day to File Supplemental List of Proposed Summary Judgment Motions Based Upon New Information or Issues Raised in the Reply Expert Reports	October 30, 2013	February 20, 2014
6	Last day to file dispositive Motions	December 3, 2013	March 21, 2014
7	Last day to file oppositions to dispositive motions	January 13, 2014	May 2, 2014
9	Last day to file reply briefs in support of dispositive motions	February 25, 2014	June 13, 2014
10	Last day for hearing dispositive motions	March 14, 2014	June 27, 2014

11 THEREFORE, IT IS HEREBY STIPULATED between liaison counsel for the above-
 12 captioned plaintiffs and defendants' liaison counsel, and subject to the concurrence of the Court,
 13 that the State of Oregon case will adopt the following schedule:

14	Event	Current Date (pursuant to 11/13/12 and 11/21/12 Orders)	Revised Date
15	Close of limited fact discovery unique to DAP and State AG cases	April 2, 2013	September 30, 2013
17	Service of opening expert reports for plaintiffs	April 22, 2013	October 21, 2013
18	Service of underlying data and Code	April 26, 2013	October 25 , 2013
19	Service of opposition expert Reports	July 23, 2013	January 21, 2014
20	Service of underlying data and Code	July 30, 2013	January 27, 2014
21	Plaintiffs and Defendants to Serve Proposed List of Summary Judgment Motions (Copies to be Provided to the Court)	August 20, 2013	February 17, 2014
23	Plaintiffs and Defendants to Meet and Confer Over Proposed List of Summary Judgment Motions and Schedule for Same	August 21 – September 9, 2013	February 17, 2014 – February 28, 2014
24			
25			
26			
27			
28			

1	Event	Current Date (pursuant to 11/13/12 and 11/21/12 Orders)	Revised Date
3	Plaintiffs and Defendants to File with the Court Joint List of Proposed Summary Judgment Motions and Proposed Schedule for Summary Judgment Filings	September 10, 2013	March 10, 2014
6	Service of reply expert reports	September 24, 2013	March 24, 2014
7	Service of underlying data and Code	September 30, 2013	March 31, 2014
8	Close of expert discovery	October 30, 2013	April 30, 2014
9	Last Day to File Supplemental List of Proposed Summary Judgment Motions Based Upon New Information or Issues Raised in the Reply Expert Reports	October 30, 2013	April 30, 2014
12	Last day to file dispositive Motions	December 3, 2014	May 30, 2014
13	Last day to file oppositions to dispositive motions	January 13, 2014	July 11, 2014
14	Last day to file reply briefs in support of dispositive motions	February 25, 2014	August 22, 2014
16	Last day for hearing dispositive motions	March 14, 2013	September 5, 2014

17
18
19
20
21
22
23
24
25
26
27
28

1 Dated: March 14, 2013

NOSSAMAN LLP

2 By: /s/ Carl L. Blumenstein
Carl L. Blumenstein

3 Liaison Counsel for Defendants and Attorneys for
4 Defendants AU Optronics Corporation and
5 AU Optronics Corporation America

6 Dated: March 14, 2013

CROWELL & MORING LLP

7 By: /s/ Jerome A. Murphy
8 Jerome A. Murphy

9 Liaison Counsel for Direct Action Plaintiffs and
10 Attorneys for Rockwell Automation, Inc.,
Viewsonic Corporation, and Jaco Electronics, Inc.

11 Dated: March 14, 2013

HAGLUND KELLEY JONES & WILDER, LLP

12 By: /s/ Michael E. Haglund
13 Michael E. Haglund, OSB No. 77203 (Pro Hac
14 Vice)
Michael K. Kelley, OSB No. 85378 (Pro Hac Vice)
15 Special Assistant Attorneys General for Plaintiff
State of Oregon
16 Telephone: (503) 225-0777
Facsimile: (503) 225-1257
17 Email: haglund@hk-law.com

18 Tim D. Nord, OSB No. 882800
19 Oregon Senior Assistant Attorney General
20 1162 Court Street, NE
Salem, OR 97301-4096
21 Telephone: (503) 943-4400
Facsimile: (503) 225-1257
22 Email: Tim.D.Nord@doj.state.or.us

23 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that
24 concurrence in the filing of this document has been obtained from each of the signatories.

1 IT IS SO ORDERED.
2

3 Dated: 3/18/13
4

Susan Illston

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Honorable Susan Illston
United States District Court Judge